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In re Application of:	:	
CRICI, Richard, et al.	:	DECISION ON PETITION
Application No.: 10/731,195	:	UNDER 37 CFR 1.78(a)(3)
Filing Date: December 08, 2003	:	
Atty Docket No.: 1363-2CON	:	
For: INTERNET-BASED	:	
APPOINTMENT SCHEDULING	:	
SYSTEM	:	

This is a decision on the "Petition For Acceptance Of An Unintentionally Delayed Claim For Priority Under 37 CFR 1.17(t)" filed June 22, 2005, treated herein under 37 CFR 1.78(a)(3). The petition seeks acceptance of an unintentionally delayed claim under 35 U.S.C. §§ 120 for the benefit of the prior filed application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior filed nonprovisional application is submitted after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference to the prior-filed application, as required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i), unless previously submitted;
- (2) the surcharge set forth in 37 CFR 1.17(t);
- (3) A statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

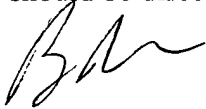
The present petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that: (1) a reference to the prior-filed applications has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the

petition includes a proper statement of unintentional delay.¹ Accordingly, having found that the petition for acceptance of the unintentionally delayed claim for the benefit of priority under 35 U.S.C. 120 to the prior filed application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior filed application, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the Filing Receipt accompanying this decision on petition will include the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any questions concerning this decision may be directed to Richard M. Ross at (571) 272-3296. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Boris Milef
Legal Examiner
Office of Petitions and PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt

¹ Applicants' explanatory statements in the petition are being construed as the statement required by 37 CFR 1.78(a)(3)(iii), that is, a statement that "the entire delay between the date the claim was due under paragraph (a)(2)(ii) of this section and the date the claim was filed was unintentional." Applicants **must** inform this Office immediately if this is not a proper interpretation of applicants' statements.